

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

Meeting Number Twelve Hundred Twenty-four

Agenda

November 26, 2019

The regular meeting of the Toms River Municipal Utilities Authority was held on Tuesday, November 26, 2019 at 4:30 P.M. at the office of the Authority, 340 West Water Street, Toms River, New Jersey 08753.

The following were present:

Carmen J. Memoli, Chairman

Tariq M. Siddiqui, Vice-Chairman

Deborah L. Clement, Commissioner

Charles S. Valvano, Commissioner

Ben A. Montenegro, Commissioner

Joseph G. Bilotta – Alt. Commissioner

Dr. Alfonso J. Manforti – Alt. Commissioner

Robert J. DiBiase, Ex. Director/Sec'y.-Treas.

James J. Gluck, Esquire, Counsel

Rosemary Rosetto, Chief Financial Officer

Nicholas Otten, Authority Engineer

Bernard Rutkowski, Regulatory Compliance/Safety Officer

Cindy Toye, Administrative Bookkeeping Specialist

Georgia Benyola, Executive Secretary/Assistant Sec'y.

The Public Hearing for the Proposed 2020 Sewer User Rate and Connection Fee was held on November 26, 2019 at 4:00 p.m. with Mr. Gluck presiding over the meeting. Attached is a copy of the computerized transcript of the proposed 2020 sewer user rate and connection fee taken on November 26, 2020, by Colleen M. Vaughn, Certified Court Reporter. Mr. Gluck stated to the Chairman that this concluded the public hearing on both the basic sewer rate and user fee, as well as the connection fee. There will be formal resolutions to adopt during the general meeting portion that will memorialize this rate hearing and the votes taken so far. Meeting concluded at 4:14 p.m. A short recess took place before going into the regularly scheduled meeting agenda at 4:30 p.m.

Meeting #1224 was called to order at 4:30 p.m., November 26, 2019 by Chairman Memoli.

Ms. Benyola, Assistant Secretary, reported that in accordance with the Open Public Meetings Law, P. L. 1975, c. 231, notice of this meeting was posted on the Township Bulletin

Board, the Authority Bulletin Board, filed with the Clerk's Office, and published in the Asbury Park Press.

Ms. Benyola then called the roll. Dr. Manforti, Mr. Bilotta, Mr. Montenegro, Mr. Valvano, Mrs. Clement, Mr. Siddiqui and Mr. Memoli were present.

Rate Hearing

First order of business was Agenda 2A. The Chairman thanked Mr. Gluck for officiating the rate hearing. A motion was made by Mr. Siddiqui and seconded by Mr. Valvano to adopt the connection fee for the Authority for fiscal year 2020 of \$2,679. A roll call vote was taken with Mr. Siddiqui, Mr. Valvano, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes. Another motion was made by Mr. Valvano and seconded by Mrs. Clement to adopt the sewer rate and user charges for fiscal year 2020, including the basic sewer rate \$308.75 and the rate schedule that has been presented here today. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes

Minutes of Meetings for Approval

A. Meeting #1223 - October 22, 2019 - New Submission

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the minutes of Meeting #1223, October 22, 2019 as written. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Disbursements

A motion was made by Mr. Valvano and seconded by Mrs. Clement to approve payment of the disbursements as listed in the amount of \$3,722,683.94. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli, with the exception of the RX reimbursement for Ms. Benyola and Dynamic Testing Service, all casting affirmative votes.

Additional Disbursements

A motion was made by Mrs. Clement and seconded by Mr. Montenegro to approve payment of the additional disbursements as listed in the amount of \$2,226.81. A roll call vote was taken with Mrs. Clement, Mr. Montenegro, Mr. Siddiqui, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Ratification of Investment & Transfer Resolutions

A motion was made by Mr. Valvano and seconded by Mrs. Clement to ratify the monthly transfer and investment resolutions. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Financial Reports

A motion was made by Mr. Valvano and seconded by Mrs. Clement to enter the financial reports 6A-6F into the record. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

Finance & Investments: 6G

Mr. Valvano complimented the different committees for working together concerning the preparation of the rate hearing and he also complimented the employees and our auditor. When everyone works together, they do a fantastic job.

Mr. Valvano then made a motion, seconded by Mrs. Clement to reinvest the available funds of \$39,568.96 into the Ocean First Trust Custodial Account. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Operating Reports

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement that the operating reports 7A-7G were accepted as presented. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Valvano, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Development Applications-Major Sub Divisions

A motion was made by Mrs. Clement and seconded by Mr. Siddiqui to approve the preliminary applications for Sub-Division D-1058, Brookside Homes, Brookside Drive north Ocean View and Sub-Division D-1059, Marriott Hotel and Restaurant, Walnut Street and Hooper Avenue. Just so that the Board was aware, Mr. Gluck noted that Brookside Homes is his client and he would have to abstain on any correspondence or issue and have to call in a conflict counsel. A roll call vote was taken with Mrs. Clement, Mr. Siddiqui, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

Authority Meeting

The next Authority meeting was confirmed for Tuesday, December 17, 2019 at 4:30 p.m.

Adoption of Resolutions/Capital Purchases

9A-2A – IPC Purchases

A motion was made by Mr. Valvano and seconded by Mr. Siddiqui to ratify IPC capital purchases. A roll call vote was taken with Mr. Valvano, Mr. Siddiqui, Mrs. Clement, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

9A-3 – Resolution - Award Contract

A motion was made by Mr. Montenegro and seconded by Mr. Valvano to award contract by Lead Agency to Sprague Operating Resources, LLC, 185 International Drive, Portsmouth, NH 03801 for the supply and delivery of Diesel Fuel, ID#33-OCCP and Executive Director is authorized to execute and the Assistant Secretary to attest to the proposed form of agreement. A roll call vote was taken with Mr. Montenegro, Mr. Valvano, Mr. Siddiqui, Mrs. Clement and Mr. Memoli all casting affirmative votes

9A-4 – Resolution - Adopt CDL Policy

A motion was made by Mrs. Clement and seconded by Mr. Valvano to approve the adoption of the Model Controlled Substances, Alcohol Use and Testing Policy. A roll call vote was taken with Mrs. Clement, Mr. Valvano, Mr. Montenegro, Mr. Siddiqui and Mr. Memoli all casting affirmative votes.

9A-5 – Resolution - Amend Rules/Regulations

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to approve and amend the TRMUA Rules and Regulations, as recommended by the staff. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-6 Approval - 2020 Draft Budget

The Board approved the 2020 Draft Budget for submission to DCA for review.

9A-7 Resolution - 2020 Draft Budget Late Submittal

A motion was made by Mr. Siddiqui and seconded by Mrs. Clement to adopt this resolution as a statement of explanation regarding the late submittal of the draft budget, after the State mandated deadline of November 1, 2019. A roll call vote was taken with Mr. Siddiqui, Mrs. Clement, Mr. Montenegro, Mr. Valvano and Mr. Memoli all casting affirmative votes.

9A-8 Approval of Appropriation Transfer

A motion was made by Mr. Valvano and seconded by Mrs. Clement authorizing the appropriation transfers for \$514,712.00 be made to the approved 2019 budget. A roll call vote was taken with Mr. Valvano, Mrs. Clement, Mr. Siddiqui, Mr. Montenegro and Mr. Memoli all casting affirmative votes.

Unfinished Business

At the NJ League of Municipalities, Mr. DiBiase mentioned that the elected officials training program will focus on preventing child abuse and protecting public entities from the liabilities imposed by new legislation concerning sexual molestation. The MEL will provide a credit of \$250 against each member's assessment for each municipal elected official and authority commissioner who completes the course by May 1, 2020, including the executive director. Date will be scheduled in April 2020, an hour before the MUA public meeting. Mr. Rutkowski will confirm date with Mr. Avalone.

Mr. Montenegro asked about the Sewer Rate Study. Mr. DiBiase noted that this Study was handed out to the attendees by the auditor attending the Finance meeting for rate discussion. Chairman Memoli introduced Lauren Holman, Auditor. Mrs. Holman proceeded to summarize the different scenarios.

Mr. Gluck wanted to clarify the resolution that was voted on 9A-7. Counsel wanted the word "draft" to be inserted in the final paragraph before the year 2020 because the Board was accepting/adopting the "draft" budget and authorizing it to be sent to the DCA for review/approval. The resolution will be amended to insert the word "draft".

Committee Reports

Legal

1. Mr. Gluck stated that they are getting ready to work on the shared services agreements for the February Re Org meeting and if there are any additional municipalities or agencies that the MUA would want them to reach out to or if they wanted to expand any of the shared services for 2020 to please let him know.

2. The discovery end date on the Pitale matter is December 3, 2019. Counsel will be filing dispositive motions in that case, as it does not look like we've ever had any work done in that area. We should be out on summary judgement after that. Discovery has put liability basically on the water company and their contractors out there.

3. Counsel stated that Earle Asphalt has a trial date of December 23, 2019. Anyone testifying needs to attend.

4. CJR had offered us a counter offer which was \$1,000.00 less than we wanted to accept. Any other discussion would be held in executive session.

Engineering

The Engineering Committee meeting was held yesterday. Mr. Siddiqui wanted to point out that anyone who did not fully read Mr. Otten's report, paragraph 8, should do so. He did an excellent job in summarizing the flows and activity, which made it easier to understand. Mr. Otten has also been working on an accuracy in billing project with Mr. DiBiase. Mr. Siddiqui stated that they had done a good job and it was a very good report.

Regionalization

Mr. Siddiqui questioned if anything was being worked on or finalized with the shared services for Brick and Berkeley. Mr. Gluck noted that they finalized everything on their part, as far as he knows. Mr. DiBiase stated that Brick is not resolved, it's still pending. Regarding Island Heights, Mr. Gluck stated that they were in contact with Mr. Zabarsky and he was going to set up a meeting for discussion but it's not yet concluded. Mr. Siddiqui was more concerned about Brick because there were some changes made and he wanted to make sure they had time to review it before our regular meeting but for some reason he thought Berkeley was also included. Mr. DiBiase suggested that tomorrow he would call Counsel to make sure their notes coincide and discuss what is pending on the shared services.

On an optimistic note, Mr. DiBiase noted that our Regionalization Committee gave them authorization, after hearing the plan, to enter into or come up with some terms for shared resource with the County.

Chairman Memoli asked if we had been approached again by Island Heights, as a whole. Mr. Siddiqui noted that no one was approached and Mr. DiBiase mentioned that the only discussion has been the shared resource in conjunction of our main that is in their town.

User Charge

Mrs. Clement showed the Authority's letter to the Board before sending it to the printer for the 2020 billing.

Land Use

Mr. Bilotta spoke with the Executive Director earlier this month. There were no updates.

Personnel

Chairman Memoli mentioned that they are continuing with the Union negotiations. Another meeting will be held this Monday, December 2nd at 10:00 a.m. and hopefully be closer to settlement. Mr. DiBiase requested another person from the HR Department to attend so they can have some comparative figures with the subject matter. The Chairman agreed.

Public Comments

Chairman Memoli opened the meeting to comments from the Public. Mrs. Rosetto mentioned that the roadway on the side of Herflicker Blvd. has been reopened and they have been using it but now Mrs. Rosetto is waiting for paving, as there are many, many holes. With no additional comments, Chairman Memoli closed the public portion of the meeting.

Correspondence

None

Resolution to Enter Executive Session

A motion was made by Mrs. Clement and seconded by Mr. Valvano to adopt the resolution to enter Executive Session at 5:23 p.m. to discuss personnel matters, litigation and potential litigation. The motion was carried by unanimous voice call. Counsel asked to get a motion to amend the resolution to enter Executive Session to include personnel matters. A motion made by Mrs. Clement and seconded by Mr. Montenegro. Motion was carried by a unanimous voice vote.

Public Session reconvened at 5:40 p.m.

With no further business to come before the Board, a motion was made by Mr. Montenegro and seconded by Mrs. Clement to adjourn the meeting at 5:40 p.m. The motion was carried by a unanimous voice vote.